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February 22, 2005

MAIL STOP Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 20313-1450

Re: U.S. Patent Application Serial No.: 09/723,324
Filed: November 27, 2000
Title: Personalized Account Migration System and Method
Attorney Docket No.: 00-40323-US (500323.20001)

Dear Sir:

Enclosed for filing are the following documents in connection with the above-referenced application:

1. Appeal Brief;
2. A check in the amount of \$250.00 for the filing fee of the Appeal Brief; and
3. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Isaac et al.

Attorney Docket No.: 00-40323-US

Serial No.: 09/723,324

Examiner: Duong, Thomas

Filed: 11/27/2000

Art Unit: 2145

Title: PERSONALIZED ACCOUNT
MIGRATION SYSTEM AND
METHOD

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified patent application comes before the United States Patent and Trademark Office Board of Appeals and Interferences from the Final Rejection of Claims 1 – 81 by the Examiner in an Official Action mailed June 23, 2004. Pursuant to the Notice of Appeal filed December 22, 2004, set forth below is the Appellant's Brief. The requisite fee set forth in 37 C.F.R. 41.20(b)(2) is enclosed.

The Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment to Deposit Account No. 18-0586.

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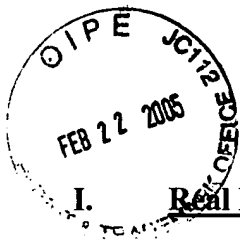
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I. Real Party in Interest:

The real party in interest in the above-captioned application is Esaya.com, Inc., organized and existing under the laws of New York, and having a place of business at 204-15 Foothill Avenue, Hollis, New York. The application has been assigned to Esaya.com, Inc. by the inventors, Tomy K. Isaac and Mark Kasiraja.

II. Related Appeals and Interferences:

There are no appeals or interferences known to Appellant or Appellant's legal representative which will directly affect or be directly affected by or have a bearing on the Board's decision in this present appeal.

III. Status of Claims:

Claims 1 – 81 were finally rejected under 35 U.S.C. §103(a) in the same Office Action mailed June 23, 2004. Claims 1 – 81 are the subject of the present appeal.

IV. Status of Amendments:

Amendments were not filed subsequent to the Final Rejection.

V. Summary of the Invention:

As recited in claim 1, the present invention is directed to a method for migrating information, comprising extracting organizational information from at least two service providers to form at least two organizational information protocols, wherein one organizational information protocol corresponds to each of the at least two service providers; providing a migration selection interface to a user; accessing a first at least one of the at least two service providers upon selection of the migration selection interface by the user; receiving, according to the organizational information protocol correspondent to the first at least one of the at least two service providers, of a first plurality of information related to the user, upon said accessing a first

at least one of the at least two service providers; accessing a second at least one of the at least two service providers upon selection of the migration selection interface by the user; writing the first plurality of information to the second at least one of the at least two service providers according to the organizational information protocol correspondent to the second at least one of the at least two service providers. (See, especially, Figs. 1-4 and page 11, line 9 to page 12, line 14 of the specification).

Further, as recited in claim 29, the present invention is directed to a method for migrating information, comprising extracting organizational information from at least two service providers to form at least two organizational information protocols, wherein one organizational information protocol corresponds to each of the at least two service providers; providing a migration selection interface to a user; accessing a first at least one of the at least two service providers upon selection of the migration selection interface by the user; receiving, according to the organizational information protocol correspondent to the first at least one of the at least two service providers, of a first plurality of information related to the user, upon said accessing a first at least one of the at least two service providers; normalizing the first plurality of information into a standard format; accessing a second at least one of the at least two service providers upon selection of the migration selection interface by the user; denormalizing the normalized first plurality of information into a second plurality of information; writing the second plurality of information to the second at least one of the at least two service providers according to the organizational information protocol correspondent to the second at least one of the at least two service providers. (See, especially, Figs. 1-4 and page 11, line 9 to page 12, line 14 of the specification).

Further, as recited in claim 53, the present invention is directed to a method for migrating information, comprising providing a migration selection interface to a user; accessing a first at least one of at least two service providers upon selection of the migration selection interface by the user; receiving of a first plurality of information related to the user, upon said accessing a first at least one of the at least two service providers; normalizing the first plurality of information into a standard format; accessing a second at least one of the at least two service providers upon selection of the migration selection interface by the user; denormalizing the normalized first plurality of information into a second plurality of information; writing the second plurality of information to the second at least one of the at least two service providers. (See, especially, Figs. 1-4 and page 11, line 9 to page 12, line 14 of the specification).

Further, as recited in claim 75, the present invention is directed to A migrator for migrating personalized services, comprising an importer in communicative connection with at least one migrate-from service provider, which at least one migrate-from service provider has been selected by a user; a normalizer that receives a first plurality of information from said importer and converts the first plurality to a standard format; a denormalizer that receives the standard format from said normalizer and converts the standard format to a second plurality of information; and an exporter communicatively connected to a migrate-to service provider, which exporter receives the second plurality of information from the denormalizer and sends the second plurality to the migrate-to service provider. (See, especially, Figs. 1-4 and page 11, line 9 to page 12, line 14 of the specification).

VI. Issues:

ISSUE 1

Whether claims 1 – 81 are rejected under 35 USC §103(a) as being unpatentable over United States Patent No. 6,199,077 to Inala in view of United States Patent No. 6,442,601 to Gampper.

VII. Argument:

ISSUE 1

Whether claims 1 – 81 are obvious over U.S. patent No. 6,199,077 to Inala in view of United States Patent No. 6,442,601 to Gampper.

Claims 1 – 81 stand rejected pursuant to 35 U.S.C. 103(a) as being unpatentable over Inala in view of Gampper. Applicant submits that these rejections are overcome for at least these and the following reasons:

Applicant respectfully submits that, in order to establish a prima facie 35 USC §103(a) rejection, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. MPEP 706.02(j). “The examiner can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art, or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” (emphasis added) In re Sang Su Lee, 00-1158, (Serial No. 07/631,240) , (Fed.Cir.2002) citing In re Fritch, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed.Cir.1992). Further, to establish a prima facie 35 USC

§103(a) rejection there must be a reasonable expectation of success. MPEP 706.02(j). Mere motivation is not sufficient. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and may not be based on Applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Examiner states that Inala teaches:

“extracting organizational information from at least two service providers to form at least two organizational informational protocols, wherein one organizational information protocol corresponds to each of the at least two service providers”

and that Grampper teaches:

“writing the second plurality of information to the second at least one of the at least two service providers according to the organizational information protocol correspondent to the second at least one of the at least two service providers.”

Applicant respectfully submits that Inala and Grampper each fail to teach the formation of at least two organizational information protocols as occurs in the present invention. The present invention includes the steps of extracting organizational information from at least two service providers to form at least two organizational information protocols, according to the informational protocol correspondent to the first at least one of the at least two service providers, of a first plurality of information related to the user. Further, the present invention requires an accessing a second at least one of the at least two service providers upon selection of the migration selection interface by the user, and the writing of the first plurality of information to

the second at least one of the at least two service providers according to the organizational information protocol (see page 11, lines 12-25 and page 12, lines 1-2 of the present specification) **wherein the organizational information protocol extracted during the extracting step would include the organizational setup of all information gathered from the at least two service providers.** (see page 13, lines 15 – 19). In other words, the present invention extracts both substantive information and the organizational protocol from a first location, reformats the substantive information in accordance with a different organizational protocol, and writes the reformatted information to a new location.

In contrast, Grampper not only fails to teach the writing of the first plurality of information to the second at least one of the at least two service providers according to the organizational information protocol, **Grampper fails to teach the use of any organizational information protocol.** Grampper merely teaches the writing of large indiscriminate block files for the purpose of storing large volumes of information.

Grampper states:

In yet further embodiments, the minimum file size for migration is set to a value, such that the aggregate estimated number of file requests per unit of time for files larger than the minimum file size for migration does not exceed a processing capacity of the secondary storage, i.e., the number of file requests per unit of time that the secondary storage can process. (column 2, lines 59-65).

In contrast, the present invention teaches the writing of information gathered by specific protocol according to that specific protocol. In other words, the present invention does not read and write indiscriminate blocks of information, it writes to a second service provider at least one discrete segment of information that has been identified by using the organizational information

protocol. Since neither Grampper nor Inala, alone or in combination, teach the claim limitations of the present invention, the combination of Grampper and Inala cannot render obvious Claims 1, 29, 53 and 75 of the present invention. *MPEP 706.02(j) (... the prior art reference (or references when combined) must teach or suggest all claim limitations)*. Consequently, Applicant traverses the 35 U.S.C. §103(a) rejections and respectfully requests their reconsideration and removal. Thus, Applicant asserts that independent Claims 1, 29, 53 and 75 are in a condition for allowance.

Wherefore, Applicant submits at least Claims 1, 29, 53 and 75 are patently distinguishable over the prior art of record. Applicant further submits each of Claims 2 – 28, 30 – 52, 54 – 74 and 76 – 81 is similarly distinguishable over the prior art of record, at least by virtue of each Claim's ultimate dependency from a patentably distinct base Claim 1, 29, 53 and 75 and should be reversed by the Board.

In view of the foregoing discussion, it is respectfully submitted that the Examiner's rejection of claims 1 – 81 is improper and should be reversed by the Board.

* * *

Respectfully submitted,

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Dated: 2/21/05

VIII. CLAIMS APPENDIX

1. (original) A method for migrating information, comprising:

extracting organizational information from at least two service providers to form at least two organizational information protocols, wherein one organizational information protocol corresponds to each of the at least two service providers;

providing a migration selection interface to a user;

accessing a first at least one of the at least two service providers upon selection of the migration selection interface by the user;

receiving, according to the organizational information protocol correspondent to the first at least one of the at least two service providers, of a first plurality of information related to the user, upon said accessing a first at least one of the at least two service providers;

accessing a second at least one of the at least two service providers upon selection of the migration selection interface by the user;

writing the first plurality of information to the second at least one of the at least two service providers according to the organizational information protocol correspondent to the second at least one of the at least two service providers.

2. (original) The method of claim 1, wherein the at least two service providers provide services in a service provision area.

3. (original) The method of claim 2, wherein the service provision area is at least one selected from banking and financial services, email services, on line calendar and address book services, mysite.com pages, bill payment services, and application service providers.

4. (original) The method of claim 3, wherein the banking and financial services are at least one selected from the group consisting of payment of a mortgage, a loan, a balance transfer, account balances, filling out of forms, credit checks, digital signal encryption, and login and password information.

5. (original) The method of claim 3, wherein the mysite.com site is at least one selected from the group consisting of an ISP site, a wireless customization site, a shopping site, and an online trading site.

6. (original) The method of claim 1, wherein the organizational information protocol includes a format and a location for the first plurality of information.

7. (original) The method of claim 1, further comprising, upon said extracting, formatting the organizational information protocol for each service provider into an organizational information database organized by service provider.

8. (original) The method of claim 1, wherein the organizational information protocol represents a manner of organization of the at least one service provider, information entry methods for the at least one service provider, and information extraction methods for the at least one service provider.

9. (original) The method of claim 8, wherein the organizational information protocol includes keys that precede the first plurality of information on the at least one service provider.

10. (original) The method of claim 1, wherein said extracting comprises creating an account with the at least one service provider, and tracking of the account created.

11. (original) The method of claim 1, wherein said extracting comprises scraping the at least one service provider.

12. (original) The method of claim 1, wherein said extracting comprises spidering the at least one service provider.

13. (previously presented) The method of claim 1, wherein said extracting comprises:

entering the at least one service provider as a browser;

parsing the at least one service provider;

mapping the organizational information protocol to a standard format.

14. (original) The method of claim 1, wherein the migration selection interface comprises at least one selected from the group consisting of a clickable icon, a button, a tile, an authorization box, an entry of a name, an entry of a password, an entry of personal information, and an entry of credit card information.

15. (original) The method of claim 1, wherein said accessing a first at least one service provider comprises entering a user name and password.

16. (original) The method of claim 1, wherein said receiving the first plurality of information further comprises normalizing of the first plurality of information into a same format as the organizational information protocol database.

17. (original) The method of claim 16, wherein said normalizing is performed by an import coordinating service.

18. (original) The method of claim 17, wherein said normalizing comprises sending, by the import coordinating service, of control messages, which control messages receive the first plurality of information according to the organizational information protocol.

19. (original) The method of claim 18, wherein said sending comprises sending of the control messages in a bundle.

20. (original) The method of claim 18, wherein said normalizing further comprises receiving, by the import coordinating service, of return control messages, which return control messages include the first plurality of information according to the organizational information protocol.

21. (original) The method of claim 1, wherein the first plurality of information includes personal information data and errors that occurred during said receiving of a first plurality.

22. (original) The method of claim 21, wherein the errors include information requested by said receiving that could not be located and information requested by said receiving that was not formatted according to the organizational information protocol.

23. (original) The method of claim 1, wherein said writing comprises denormalizing the first plurality of information into the organizational information protocol correspondent to the second at least one service provider.

24. (original) The method of claim 23, wherein said denormalizing comprises sending export control messages that map the first plurality of information into a proper location on the second at least one service provider.

25. (original) The method of claim 1, further comprising billing the second at least one service provider for the user migrated to the second at least one service provider.

26. (original) The method of claim 1, further comprising billing the user for the user migrated to the second at least one service provider.

27. (original) The method of claim 1, further comprising billing the second at least one service provider for the method of migrating information.

28. (original) The method of claim 27, wherein said billing comprises billing the second at least one service provider for a link to the method of migrating information on the second at least one service provider.

29. (original) A method for migrating information, comprising:

extracting organizational information from at least two service providers to form at least two organizational information protocols, wherein one organizational information protocol corresponds to each of the at least two service providers;

providing a migration selection interface to a user;

accessing a first at least one of the at least two service providers upon selection of the migration selection interface by the user;

receiving, according to the organizational information protocol correspondent to the first at least one of the at least two service providers, of a first plurality of information related to the user, upon said accessing a first at least one of the at least two service providers;

normalizing the first plurality of information into a standard format;

accessing a second at least one of the at least two service providers upon selection of the migration selection interface by the user;

denormalizing the normalized first plurality of information into a second plurality of information;

writing the second plurality of information to the second at least one of the at least two service providers according to the organizational information protocol correspondent to the second at least one of the at least two service providers.

30. (previously presented) The method of claim 29, wherein the at least two service providers provide services in a service provision area.

31. (previously presented) The method of claim 30, wherein the service provision area is at least one selected from banking and financial services, email services, on line calendar and address book services, mysite.com pages, bill payment services, and application service providers.

32. (previously presented) The method of claim 31, wherein the banking and financial services are at least one selected from the group consisting of payment of a mortgage, a loan, a balance transfer, account balances, filling out of forms, credit checks, digital signal encryption, and login and password information.

33. (previously presented) The method of claim 31, wherein the mysite.com site is at least one selected from the group consisting of an ISP site, a wireless customization site, a shopping site, and an online trading site.

34. (previously presented) The method of claim 29, wherein the organizational information protocol includes a format and a location for the first plurality of information.

35. (previously presented) The method of claim 29, further comprising, upon said extracting, formatting the organizational information protocol for each service provider into an organizational information database organized by service provider.

36. (previously presented) The method of claim 29, wherein the organizational information protocol represents a manner of organization of the at least one service provider, information entry methods for the at least one service provider, and information extraction methods for the at least one service provider.

37. (previously presented) The method of claim 29, wherein the organizational information protocol includes keys that precede the first plurality of information on the at least one service provider.

38. (previously presented) The method of claim 29, wherein said extracting comprises:

entering the at least one service provider as a browser;

parsing the at least one service provider;

mapping the organizational information protocol to a standard format.

39. (previously presented) The method of claim 29, wherein said accessing a first at least one service provider comprises entering a user name and password.

40. (previously presented) The method of claim 29, wherein said normalizing is performed by an import coordinating service.

41. (previously presented) The method of claim 40, wherein said normalizing comprises sending, by the import coordinating service, of control messages, which control messages receive the first plurality of information according to the organizational information protocol.

42. (previously presented) The method of claim 41, wherein said sending comprises sending of the control messages in a bundle.

43. (previously presented) The method of claim 42, wherein said normalizing further comprises receiving, by the import coordinating service, of return control messages, which return

control messages include the first plurality of information according to the organizational information protocol.

44. (previously presented) The method of claim 29, wherein the organizational information protocol is placed into the standard format.

45. (previously presented) The method of claim 44, wherein the standard format is xml.

46. (previously presented) The method of claim 29, wherein the first plurality of information includes personal information data and errors that occurred during said receiving of a first plurality.

47. (previously presented) The method of claim 46, wherein the errors include information requested by said receiving that could not be located and information requested by said receiving that was not formatted according to the organizational information protocol.

48. (previously presented) The method of claim 29, wherein said denormalizing comprises sending export control messages that map the second plurality of information into a proper location on the second at least one service provider.

49. (previously presented) The method of claim 29, further comprising billing the second at least one service provider for the user migrated to the second at least one service provider.

50. (previously presented) The method of claim 29, further comprising billing the user for the user migrated to the second at least one service provider.

51. (previously presented) The method of claim 29, further comprising billing the second at least one service provider for the method of migrating information.

52. (previously presented) The method of claim 51, wherein said billing comprises billing the second at least one service provider for a link to the method of migrating information on the second at least one service provider.

53. (previously presented) A method for migrating information, comprising:

providing a migration selection interface to a user;

accessing a first at least one of at least two service providers upon selection of the migration selection interface by the user;

receiving of a first plurality of information related to the user, upon said accessing a first at least one of the at least two service providers;

normalizing the first plurality of information into a standard format;

accessing a second at least one of the at least two service providers upon selection of the migration selection interface by the user;

denormalizing the normalized first plurality of information into a second plurality of information;

writing the second plurality of information to the second at least one of the at least two service providers.

54. (previously presented) The method of claim 53, wherein the at least two service providers provide services in a service provision area.

55. (previously presented) The method of claim 54, wherein the service provision area is at least one selected from banking and financial services, email services, on line calendar and address book services, mysite.com pages, bill payment services, and application service providers.

56. (previously presented) The method of claim 55, wherein the banking and financial services are at least one selected from the group consisting of payment of a mortgage, a loan, a balance transfer, account balances, filling out of forms, credit checks, digital signal encryption, and login and password information.

57. (previously presented) The method of claim 55, wherein the mysite.com site is at least one selected from the group consisting of an ISP site, a wireless customization site, a shopping site, and an online trading site.

58. (previously presented) The method of claim 53, further comprising extracting an organizational information protocol for at least two service providers, wherein each organizational information protocol includes a format and a location for the first plurality of information.

59. (previously presented) The method of claim 58, further comprising, upon said extracting, formatting the organizational information protocol for each service provider into an organizational information database organized by service provider.

60. (previously presented) The method of claim 58, wherein the organizational information protocol represents a manner of organization of the at least one service provider, information entry methods for the at least one service provider, and information extraction methods for the at least one service provider.

61. (previously presented) The method of claim 58, wherein the organizational information protocol includes keys that precede the first plurality of information on the at least one service provider.

62. (previously presented) The method of claim 58, wherein said extracting comprises:

entering the at least one service provider as a browser;

parsing the at least one service provider;

mapping the organizational information protocol to a standard format.

63. (previously presented) The method of claim 53, wherein said accessing a first at least one service provider comprises entering a user name and password.

64. (previously presented) The method of claim 53, wherein said normalizing is performed by an import coordinating service.

65. (previously presented) The method of claim 64, wherein said normalizing comprises sending, by the import coordinating service, of control messages, which control messages receive the first plurality of information.

66. (previously presented) The method of claim 65, wherein said sending comprises sending of the control messages in a bundle.

67. (previously presented) The method of claim 66, wherein said normalizing further comprises receiving, by the import coordinating service, of return control messages, which return control messages include the first plurality of information.

68. (previously presented) The method of claim 53, wherein the standard format is xml.

69. (previously presented) The method of claim 53, wherein the first plurality of information includes personal information data and errors that occurred during said receiving of a first plurality.

70. (previously presented) The method of claim 53, wherein said denormalizing comprises sending export control messages that map the second plurality of information into a proper location on the second at least one service provider.

71. (previously presented) The method of claim 53, further comprising billing the second at least one service provider for the user migrated to the second at least one service provider.

72. (previously presented) The method of claim 53, further comprising billing the user for the user migrated to the second at least one service provider.

73. (previously presented) The method of claim 53, further comprising billing the second at least one service provider for the method of migrating information.

74. (previously presented) The method of claim 73, wherein said billing comprises billing the second at least one service provider for a link to the method of migrating information on the second at least one service provider.

75. (previously presented) A migrator for migrating personalized services, comprising:

an importer in communicative connection with at least one migrate-from service provider, which at least one migrate-from service provider has been selected by a user;

a normalizer that receives a first plurality of information from said importer and converts the first plurality to a standard format;

a denormalizer that receives the standard format from said normalizer and converts the standard format to a second plurality of information; and

an exporter communicatively connected to a migrate-to service provider, which exporter receives the second plurality of information from the denormalizer and sends the second plurality to the migrate-to service provider.

76. (previously presented) The migrator of claim 75, further comprising an extractor that extracts an organizational information protocol from at least two service providers, wherein the first plurality is normalized in accordance with the organizational information protocol correspondent to the migrate-from service provider, and wherein the second plurality is

denormalized in accordance with the organizational information protocol correspondent to the migrate-to service provider.

77. (previously presented) The migrator of claim 75, wherein said importer uses control messages to import the first plurality of information from the migrate-from service provider.

78. (previously presented) The migrator of claim 75, wherein said importer is unique to each service provider, and imports according to an organizational information protocol of the migrate-from service provider

79. (previously presented) The migrator of claim 75, wherein the standard format is xml.

80. (previously presented) The migrator of claim 79, wherein said normalizer includes an xml generator that generates the xml.

81. (previously presented) The migrator of claim 75, wherein said denormalizer parses the standard format according to a DTD used to normalize the standard format, and thereby denormalizes the information.